

**Kansas Department of Health and Environment
Bureau of Waste Management
Hazardous Waste Regulatory Requirements
for
EPA Generators**

EPA generators are subject to the following regulations:

- A. Determine which wastes generated by the facility are hazardous wastes.
- B. Obtain an EPA identification number by submitting a Notification of Regulated Waste Activity form to the KDHE. Update this information as necessary.
- B. Prepare a manifest for each off-site shipment of hazardous waste to a permitted treatment, storage or disposal facility.
- C. Prepare a Land Disposal Restriction notification and/or certification for the first shipment of each different hazardous waste.
- D. Package, label, mark, and placard all shipments of hazardous waste according to the pre-transportation requirements of K.A.R. 28-31-4(e).
- E. Prepare and submit a biennial report to KDHE by March 1 of each even-numbered year. The biennial report must contain all of the information required by K.A.R. 28-31-4(f)(2).
- F. Comply with K.A.R. 28-31-4(g) if accumulating hazardous waste on-site for 90 days or less without a permit or without obtaining interim status.
- H. Maintain the following records for three years:
 - 1) A signed copy of each manifest initiated and returned.
 - 2) Manifest exception reports.
 - 3) Hazardous waste analyses used for waste determinations.
 - 4) Biennial reports.
 - 5) Copies of Land Disposal Restriction records.
 - 6) Weekly container and/or daily tank inspection records.
- I. Meet the following storage requirements for containers and tanks:

For containers:

 - 1) Mark each container with the words "Hazardous Waste" and the accumulation start date.
 - 2) Maintain each container in a good condition.
 - 3) Use a container compatible with the hazardous waste to be stored and segregate containers of incompatible wastes.
 - 4) Keep each container closed, unless adding or removing waste.
 - 5) Store ignitable and reactive waste at least 50 feet from the property line.
 - 6) Inspect each container storage area each week when waste is present and maintain a written record of each inspection.
 - 7) Satellite accumulation areas:
 - a) You may accumulate one container of up to 55 gallons of each hazardous waste or one container of up to one quart of each acutely hazardous waste at the point of waste generation, provided

the containers are: compatible with the waste; in good condition; kept closed, except to add or remove waste; and marked with the words "Hazardous Waste."

- b) When a satellite accumulation container becomes full or accumulates 55 gallons of waste, the waste may be emptied into a storage container or tank or the satellite container must be dated with the date it became full. This date will be the accumulation start date for that container. The generator shall move the full container to a hazardous waste storage area within three days.

For tanks:

- 1) Mark each tank with the words "Hazardous Waste" and the accumulation start date.
 - 2) Meet the design and installation standards of 40 CFR 265.192.
 - 3) Meet the containment and detection of release standards of 40 CFR 265.193.
 - 4) Meet the operating standards of 40 CFR 265.194.
 - 5) For each day that there is waste in the tank, inspect overfill/spill control equipment, monitoring equipment, and the condition of the above ground portion of tanks and secondary containment areas.
 - 6) Maintain a written record of each daily inspection.
 - 7) Do not place ignitable, reactive or incompatible wastes in tanks unless appropriate precautions are taken and maintain protective distances.
 - 8) Respond to spills and leaks according to 40 CFR 265.196.
 - 9) Close tanks according to the applicable standards in 40 CFR 265.197.
 - 10) Comply with all tank management practices required in 40 CFR Part 265 subparts AA, BB, and CC.
- J. Adequately provide for preparedness and prevention with the following precautions:
- 1) Properly maintain facilities to minimize releases of hazardous waste.
 - 2) Provide an appropriate communication, alarm system, or a telephone or two-way radio.
 - 3) Provide fire extinguishing and spill control equipment.
 - 4) Maintain and test all required equipment to ensure its proper operation.
 - 5) Provide personnel working directly with hazardous waste with immediate access to communications and alarm equipment.
 - 6) Maintain aisle space sufficient to allow passage of personnel and fire, spill control and decontamination equipment.
 - 7) As appropriate for the type of waste handled and the potential need for their emergency services, make arrangements with the local hospital, police department, fire department and emergency response team to familiarize them with the plant layout and the hazards involved with the wastes generated. Such arrangements should be documented.

- K. Prepare and implement a personnel training program to ensure that facility personnel can respond effectively to a hazardous waste emergency as required by K.A.R. 28-31-4 (g). The training program must:
 - 1) Be conducted by a person trained in hazardous waste management procedures.
 - 2) Teach facility personnel about the location of emergency response and monitoring equipment, how to maintain and operate such equipment, communications procedures and response procedures for fires, explosions, and spills. The training for each employee must be completed within six months after the date an employee enters a position.
 - 3) Provide an annual review of the initial training (every 12 months).
 - 4) Provide a job title, a written job description, and a written description of the training for each person whose job includes hazardous waste management duties.
 - 5) Document all initial and annual review training.
- L. Prepare a contingency plan and implement emergency procedures to ensure that releases of hazardous waste are properly handled. The contingency plan must provide for:
 - 1) A description of the actions facility personnel must take to respond to a release.
 - 2) A description of the arrangements made with local authorities for emergency services.
 - 3) Designation of primary and secondary emergency coordinators and listing of their addresses and phone numbers. Assure that an emergency coordinator is on-site or always on call.
 - 4) A list of all emergency equipment on-site, its capabilities and its location.
 - 5) An evacuation plan where the potential need for an evacuation exists.
 - 6) Copies of the contingency plan to be maintained at the facility and submitted to the local police department, fire department, hospital, and emergency response team.
 - 7) The contingency plan to be periodically reviewed and/or updated when changes occur.
- M. Complete and submit the annual hazardous waste monitoring fee report including payment of the appropriate fee.
- N. Report all international shipments of hazardous waste to KDHE and the Environmental Protection Agency as required by 40 CFR, Part 262, Subpart E.

NOTE: This document is only intended to summarize Kansas Administrative Regulation (K.A.R.) 28-31-4(g). K.A.R. 28-31-4(g) also references various regulations in 40 CFR 265. For the actual regulatory language, you may request a copy of the hazardous waste management statutes and regulations by calling KDHE-BWM at (785) 296-1600, or you may view and

download a copy of these documents at BWM's website: www.kdhe.state.ks.us/waste. Then scroll down to Hazardous Waste Program and click on the title Hazardous Waste Statutes and Regulations.

This document was last revised on January 31, 2003.